

DOCKET NO. GB 010016 (PHIL06-10016)
SERIAL NO. 10/067,364
PATENT

REMARKS

Claims 1 and 3-17 were pending in this application.

Claims 1, 6, 7, 10, 11, and 15 & 16 have been rejected.

Claims 3-5, 8, 9, 12 -14 and 17 have been objected to.

Claims 3, 15, and 16 have been amended as shown above. Because these amendments place the claims in better condition for allowance or appeal, these amendments comply with 37 C.F.R. § 1.116.

Claims 1 and 3-17 remain pending in this application.

Reconsideration and full allowance of Claims 1 and 3-17 are respectfully requested.

I. ALLOWABLE CLAIMS

The Applicants thank the Examiner for the indication that Claims 3-5, 8, 9, 12, 13, and 17 would be allowable if rewritten in independent form to incorporate the elements from their respective base claims and any intervening claims. Because the Applicants believe that the remaining claims in this application are allowable, the Applicants have not rewritten Claims 3-5, 8, 9, 12, 13, and 17 in independent form.

II. SUBMISSION OF CORRECTED DRAWING

The Applicants submitted a proposed drawing correction adding a new Figure 5 on July 31, 2003. The Office Action approved the proposed drawing correction. The Applicants hereby submit a corrected Figure 5 with this AMENDMENT AND RESPONSE. A formal drawing of Figure 5 will be

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submitted upon the issuance of a Notice of Allowance in this application.

III. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1, 6, 7, 10, 11, and 14-16 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,114,992 to Underbrink ("*Underbrink*"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Underbrink recites a system and method for acquiring signals from different satellites. (*Abstract*). The system first acquires at least one signal from at least one satellite. (*Col. 6, Lines 52-62*). The system then uses the frequency of the acquired signal(s) and "maximum changes" that "can occur" in the acquired signal(s) to acquire additional signals. (*Col. 6, Line 63 – Col. 7, Line 6*). The "maximum changes" represent, for example, the maximum potential effects that could occur due to Doppler effects and receiver clock imprecisions. (*Col. 7, Lines 13-19*).

Underbrink simply recites that additional satellite signals may be acquired based on maximum potential effects that "can" occur in one or more acquired signals. In other words, the technique recited in *Underbrink* uses maximum possible changes that might occur in an acquired

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signal to acquire another signal. *Underbrink* lacks any mention that an additional signal is acquired based on the actual variations in a frequency of a previously-acquired signal. As a result, *Underbrink* fails to anticipate using "frequency information" relating to "variations in the frequency of [a] first acquired signal" to acquire a second GPS signal as recited in Claims 1, 15, and 16.

For these reasons, *Underbrink* fails to anticipate the Applicants' invention as recited in Claims 1, 15, and 16 (and their dependent claims). Accordingly, the Applicants respectfully request withdrawal of the § 102 rejection and full allowance of Claims 1, 6, 7, 10, 11, and 14-16.

IV. CONCLUSION

The Applicants respectfully assert that all pending claims in the application are in condition for allowance and respectfully request an early allowance of such claims.

DOCKET NO. GB 010016 (PHIL06-10016)

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SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: Dec. 19, 2003

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12/19/03

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Saul R. Dooley, et al.**

Serial No.: **10/067,364**

Filed: **February 4, 2002**

For: **METHOD OF DESPREADING GPS SIGNALS**

Group No.: **3662**

Examiner: **Gregory C. Issing**

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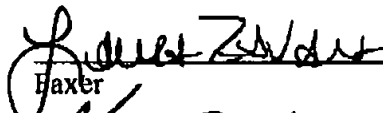
Sir:

The undersigned hereby certifies that the following documents:


1. **Amendment and Response Under 37 C.F.R. §1.116**

relating to the above application was faxed to (703) 872-9306 on December 19, 2003.

Date: 12/19/03


Faxer

Date: Dec. 19, 2003


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